

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:03-00174

ANTHONY CLAYTON ROBERTS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On May 20, 2019, the United States of America appeared by Stefan Hasselblad, Assistant United States Attorney, and the defendant, Anthony Clayton Roberts, appeared in person and by his counsel, Gary A. Collias, for a hearing on the petition seeking revocation of supervised release and amendments thereto submitted by United States Probation Officer Douglas Smith. The defendant commenced a sixteen-month term of supervised release in this action on October 19, 2017, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on October 19, 2017.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed other crimes when, on November 26, 2019, he was charged with driving under the influence, and on March 21, 2019, he was charged with driving while his license was revoked for driving under the influence, to each of which he pled guilty and was convicted on April 10, 2019, and for each of which he was sentence to consecutive six-month prison terms; (2) the defendant illegally used controlled substances on several occasions, in that he volunteered an admission to the use of methamphetamine on September 7, 2018, and further tested positive for amphetamine, methamphetamine, and marijuana on each of October 10, 2018 and November 6 and 29, 2018, and voluntarily admitted to having used the drugs for which his urine specimens tested positive on each of those instances; and (3) the defendant failed to attend random drug screenings by failing to appear for urine collections on September 14 and 15, 2018, October 5 and 16, 2018, and November 9 and 20, 2018, and failed to comply with the weekly outpatient substance abuse treatment directed by his probation officer by failing to attend any substance abuse session after September 7,

2018; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release.

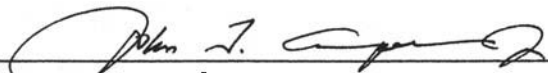
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be served at FCI Ashland, if feasible, and to run consecutively to the sentences imposed in state court for the defendant's April 2019 convictions, to be followed by no term of supervised release.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: June 24, 2019



John T. Copenhaver, Jr.
Senior United States District Judge